

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No: 1:05-CR-163

v.

HON. ROBERT HOLMES BELL

DUANE MILTON MCCLAIN, JR.,

Defendant.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (docket # 702) is approved and adopted as the opinion of the Court.
2. Defendant's plea of guilty is accepted and defendant is adjudicated guilty of the charge set forth in Count 1 of the Fourth Superseding Indictment.
3. The written plea agreement is hereby continued under advisement pending sentencing.

Date: October 23, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE